

JFW

**DAVID DOUGLAS WINTERS**

B.S., M.S., D.L.L., J.D.

PATENT ATTORNEY

September 26, 2005

Record of Telephone Conversation

FROM: 4445USPTO, Patent Examiner  
Tania C. Courson, 571-272-2239

**RECEIVED**  
**OIPE/AP**

TO: David Douglas Winters, 931-906-4445

**OCT 13 2005**

SUBJECT: Office Action Confirmation # 5101 mailed: 6-28-05

WITH REFERENCE TO: US App # 10/772,039

EXAMINER COURSON: I (examiner) reviewed your informal amendment faxed to me last week. I still don't see patentable content if prior arts are combined. The key reference is HAMAR 2004/0083616 A1, previously listed by examiner, but not referred to.

The applicant can submit additional informal amendments for further consideration, if desired.

Examiner's initial opinion is that claims must at least be much more narrow if patent is to be allowed.

Examiner has found no reference directly addressing a simulated curved tube display. Applicant may be able to capitalize on that.

Perhaps claims can be combined to patentability.

ATTORNEY WINTERS: We accept the opportunity to submit fax of further informal claims. Since the deadline is soon, we will request a 1 month extension. We can accept a more narrow patent if necessary.

Very respectfully,



David Douglas Winters  
USPTO reg. # 56,746

2277-C SUITE 237, WILMA RUDOLPH BLVD  
CLARKSVILLE, TENNESSEE • 37040-5898, USA  
PHONE: 931-906-4445 • FAX: 931-906-0131  
E-mail: WintersPatentLaw@Bellsouth.net  
Web: <http://home.bellsouth.net/p/PWP-patentlaw>

# RICHTER FILE

- **Misunderstood Reference:** The reference does not teach what the examiner relies upon it as supposedly teaching.
- **Solution of Long-Felt and Unsolved Need:** The invention solves a long-felt, long-existing, but unsolved need.
- **Commercial Acquiescence:** The invention has been licensed, especially to a competitor.
- **Professional Recognition:** The invention has been given an award or recognized in a professional publication.
- **Purchase Offers:** Others, especially accused infringers, have tried to purchase or take a license under the invention.
- **Copying by Others:** Others have chosen to copy and implement the invention, rather than using the techniques of the prior art.
- **Competitive Recognition:** The invention has been copied by an infringer; moreover, the infringer has made laudatory statements about it, or has admitted it is unobvious.
- **Contrarian Invention:** The invention is contrary to the teachings of the prior art—that is, the invention goes against the grain of what the prior art teaches.
- **Strained Interpretation:** The examiner has made a strained interpretation of the reference that could be made only by hindsight.
- **Paper Patent:** The reference is a “paper patent”—that is, it was never implemented or commercialized and therefore should be construed narrowly. (Don’t use if reference completely anticipates your invention.)
- **New Principle of Operation:** The invention utilizes a new principle of operation. Applicant has blazed a trail, rather than followed one.
- **Inability of Competitors:** Competitors were unable to copy the invention until they were able to learn its details through a publication or reverse engineering a commercial model; this indicates unobviousness.
- **Solved Different Problem:** Applicant’s invention solves a different problem than the reference, and such different problem is recited in the claims. *In re Wright*, 6 USPQ 2d 1959 (1988).
- **No Convincing Reasoning:** The examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the prior art, would have been obvious.

EXTERNAL GROUNDS DEMONSTRATING UN-OBVIOUSNESS AND FOR REJECTING OBVIOUSNESS REJECTIONS

EXCERPT OF PRINCIPLES  
EXPOUNDED BY FAMED  
PATENT ATTORNEY, DAVID  
PRESSMAN.

**DAVID DOUGLAS WINTERS**

B.S., M.S., D.L.L., J.D.  
PATENT ATTORNEY

September 26, 2005

United States Department of Commerce  
United States Patent and Trademark Office  
Commissioner for Patents  
ATTN: Tania C. Courson, USPTO Examiner  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

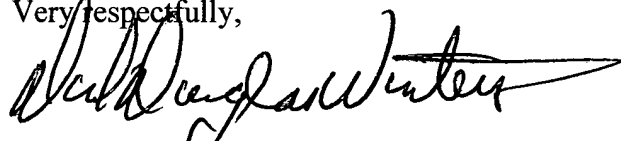
Re: Memo of Telephone Conversation  
Our file reference: 030716 (R) Richter

Dear Ms. Courson:

Enclosed, please find for your files a record of the telephone conversation between Patent Attorney, David Douglas Winters and Patent Examiner, Tania C. Courson and an excerpt by patent attorney, David Pressman. I have enclosed the latter as courtesy information for you.

Thank you for your time and intellect.

Very respectfully,



David Douglas Winters  
USPTO reg. # 50,746

Enclosures: 2

*Thanks for your helpful assistance. I've actually enjoyed our conversations. I will forward another informal meeting soon. Many thanks, Dave Winters*

2277-C SUITE 237, WILMA RUDOLPH BLVD  
CLARKSVILLE, TENNESSEE • 37040-5898, USA  
PHONE: 931-906-4445 • FAX: 931-906-0131  
E-mail: WintersPatentLaw@Bellsouth.net  
Web: <http://home.bellsouth.net/p/PWP-patentlaw>